

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 13-23, 25 and 28-30 were pending in this application when last examined.

Claims 28 and 29 were examined on the merits and stand rejected.

Claims 13-23, 25 and 30 were withdrawn as non-elected subject matter.

It is noted that claim 30 was withdrawn by the Examiner in the last Office Action. However, no reason was given for such withdrawal. Further, it is noted that claim 30 is dependent upon pending claim 28. Thus, Applicants believe that this withdrawal was in error and that such claim should be pending. Applicants further respectfully request this claim be examined on the merits. Applicants also respectfully request rejoinder of claims 19-23 upon allowance of the claims under examination.

Claims 28-30 are amended to clarify the claimed invention.

No new matter has been added.

II. INFORMATION DISCLOSURE STATEMENT

Enclosed is a courtesy copy of the 1449 form submitted September 29, 2006.

The 1449 form submitted September 29, 2006 has been edited to more clearly indicate that the enclosed documents were abstracts. Thus, the Examiner is respectfully requested to return a copy of the enclosed 1449 forms with initials next to references AI, AL, AM, AN (on page 1) and AE, AF, AG and AL (on page 2).

Further, it is noted that reference AR is an article from a newspaper of which a concise explanation is found in paragraph [0007] of the specification. Such reference with its concise explanation in the specification therefore complies with the IDS rules. Please see MPEP 609.04(a) III. Thus, this reference should be considered.

Thus, in accordance with Patent Office practice, it is respectfully requested that the Examiner initial next to these references to indicate consideration of the abstracts or concise explanations thereof.

IV. ANTICIPATION REJECTIONS

On pages 3 of the Office Action, claims 28-29 were rejected under 35 U.S.C. 102(b) as anticipated by Venta. Further, on page 4, claim 28 was rejected under 35 U.S.C. 102(b) as anticipated by Okado.

Without acquiescence to the correctness of the Examiner's position, claim 28 has been amended to recite "consisting of" thereby limiting the claimed peptide to the sequence given. Thus, these rejections are overcome for reasons which are self-evident.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Syuichi OKA et al.

/William R.

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